

### Remarks

Claims 1-4, 6-10, 13-14 and 17-20 are pending. All claims stand rejected under 35 USC 112, first paragraph, on the ground that "Applicant's claimed 'traction ratio defined as the arm of the torque divided by the first radius which is larger than 0.57' is not clearly described in the specification." Applicant respectfully disagrees with this rejection. For example, the Abstract of the Specification states as follows:

A traction assembly includes a wheel comprising a wheel shaft and traction means which, when in operation, exert torque on the wheel shaft, wherein the traction ratio, being the arm of the torque divided by the size of the radius of the wheel, is larger than 0.57. This makes an increased efficiency possible. ... (Emphasis added).

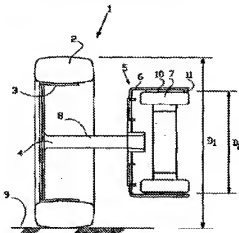
Other portions of the Specification similarly define the "traction ratio":

"... the invention provides a traction assembly comprising a wheel, a wheel shaft and a traction means which, when in operation, exert a torque on the wheel shaft, wherein the traction ratio, being the arm of the torque divided by the size of the diameter of the wheel, is larger than 0.57." Specification [0006] (Emphasis added).

\* \* \*

... the arm of the moment generated by the electric motor is  $D2/2$ . ... In one embodiment of the invention,  $D2/D1 > 0.57$ . Specification [0095-0096] (Emphasis added).<sup>1</sup>

<sup>1</sup> Figure 2 of the Specification clearly shows  $D2$  as extending to an exterior surface of the wheel and  $D1$  as extending to the air gap, as described in claim 1.



Simply put, it is beyond question that Applicant's Specification defines "traction ratio" in a clear manner that is consistent with the claims. Moreover, it is beyond question that the Specification reasonably conveys that, at the time the application was filed, Applicant had possession of the "traction ratio" as recited in the claims. Accordingly, the rejection of the claims for failure to comply with the written description requirement under 35 USC 112, first paragraph, must be withdrawn.

The Examiner's rejection of the claims as indefinite under 35 USC 112, second paragraph, is also based on the Examiner's assertion that the Specification fails to define the term "traction ratio." As set forth above, it is beyond question that Applicant's Specification defines "traction ratio" in a clear manner that is consistent with the claims. Based on the clear definition of "traction ratio" set forth in Applicant's claims and Specification, no reasonable person could confuse Applicant's definition of "traction ratio" with any other definition of such term. Accordingly, the rejection of the claims for indefiniteness under 35 USC 112, second paragraph, should be withdrawn.

Finally, Applicant requests withdrawal of the finality of the Official Action dated June 20, 2007. The Examiner contends that Applicant's amendment (filed June 2, 2006) necessitated the new grounds of rejection. This assertion is utterly without merit. Applicant's June 2, 2006 made a single change to claim 1 – namely, the addition of the phrase "fully and automatically" to the Applicant's previous recitation of how the electric motor exerts torque that drives the wheel. The "fully and automatically" claim language added on June 2, 2006 has nothing to do with the current rejection, which asserts that the claimed "traction ratio" definition (which was *not* modified in the June 2, 2006 amendment) fails to comply with 35 USC 112. Since Applicant's June 2, 2006 amendments were directed to claim limitations that are not even at issue in the June 20, 2007 Official Action, it is clear that Applicant's June 2, 2006 amendments did not

“necessitate” the present grounds of rejection. Accordingly, the finality of the last Official Action must be withdrawn.

In view of the above, it is submitted that all pending claims are in condition for allowance. A Notice of Allowance is earnestly solicited.

The Commissioner is hereby authorized to charge any deficiency in the fees due in connection with this filing Deposit Account 50-0310. A duplicate of this authorization is enclosed.

Respectfully submitted,

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